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10/556,852	11/14/2005	Timothy M. Sheridan	CST-2.001.PCT.US	2130
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/556,852

Applicant(s)

SHERIDAN, TIMOTHY M.

Examiner

Ryan R. Yang

Art Unit

2628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 11/14/2005.

This action is non-final.

2. Claims 1-42 are pending in this application.

This application claims is a 371 of PCT/US04/15108 filed 05/14/2004.

3. The present title of the invention is "Persistent portal".

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 33-39 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 33 claims "a user interface program" which is non-statutory.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 42 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear of the scope of the claim limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-37 and 40-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Nason et al. (US 6,892,359).

As per claim 1, Nason et al., hereinafter Nason, discloses a method of proportionally reducing the size and area of the operating system's active "desktop" display with all functions operational, while maintaining a complete view of the desktop (display intact) including the functional controls that provide access to resident applications and documents, then deploying a secondary graphical user interface (GUI) known as a "Persistent Portal" (PP) having two dimensions, each dimension having a number of pixels, into the resulting blanked area, comprising:

a. adjusting parameters for the desktop display area residing inside of, but not including the overscan border, by a number of pixels that equals the required area to be occupied by the PP interface when deployed ("In Fig. 3, the display is modified to include a graphical use interface in four bars each 25-pixels high/wide outside each of the four display edges", column 6, line 23-24).

b. addressing the settings of the video mode or monitor resolution for said required pixels within said computer system ("the primary display area desktop is usually assigned by the operating system to be one of a set of pre-determined video "modes" such as those laid out in Tables 1 and 2 below", column 7, line 18-22);

As per claim 2, Nason demonstrated all the elements as disclosed in claim 1, and further discloses wherein the dimension of said desktop display area in which the number of pixels is reduced are both vertical and horizontal resulting in a blanked area at the top of the original desktop display area (Figure 3, item 38); and

in which the number of pixels is reduced is horizontal resulting in a blanked area on the left outermost side of the original desktop display area (Figure 3, item 34).

As per claim 3, Nason demonstrated all the elements as disclosed in claim 2, and further discloses wherein the resulting blanked area is occupied by the Persistent Portal Interface with all related proprietary controls, functions, and features visible and operational ("The complementary interface may include, and is not limited to, buttons, menus, application output controls (such as a "ticker window"), animations, and user input controls (such as edit boxes)", column 6, line 26-30).

As per claim 4, Nason demonstrated all the elements as disclosed in claim 3, and further discloses wherein said interface utilizes the movable pointer that functions within the normal desktop display area for the purpose of user input causing interaction and command response from the PP program ("GDI's "cliprect" is modified to encompass the bar's display area. That keeps the operating system from clipping the cursor as it moves into the overscan area", column 19, line 32-35).

As per claim 5, Nason demonstrated all the elements as discloses in claim 1, and further discloses wherein the dimension of said desktop display area in which the number of pixels is reduced are both vertical and horizontal resulting in a blanked area at the bottom of the original desktop display area (Figure 3, item 30); and

in which the number of pixels is reduced is horizontal resulting in a blanked area on the left outermost side of the original desktop display area (Figure 3, item 34).

As per claim 6, Nason demonstrated all the elements as disclosed in claim 5, and further discloses wherein the resulting blanked area is occupied by the graphical Persistent Portal Interface with all related proprietary controls, functions, and features visible and operational ("The complementary interface may include, and is not limited to, buttons, menus, application output controls (such as a "ticker window"), animations, and user input controls (such as edit boxes)", column 6, line 26-30).

As per claim 7, Nason demonstrated all the elements as disclosed in claim 6, and further discloses wherein said interface utilizes the movable pointer that functions within the normal desktop display area for the purpose of user input causing interaction and command response from the PP program ("GDI's "cliprect" is modified to encompass the bar's display area. That keeps the operating system from clipping the cursor as it moves into the overscan area", column 19, line 32-35).

As per claim 8, Nason demonstrated all the elements as disclosed in claim 1, and further discloses wherein the dimension of said desktop display area in which the number of pixels is reduced are both vertical and horizontal resulting in a blanked area at the top of the original desktop display area (Figure 3, item 38), and in which the number of pixels is reduced is horizontal resulting in a blanked area on the right outermost side of the original desktop display area (Figure 3, item 36).

As per claim 9, Nason demonstrated all the elements as disclosed in claim 8, and further discloses wherein the resulting blanked area is occupied by the graphical

Persistent Portal Interface with all related proprietary controls, functions, and features visible and operational ("The complementary interface may include, and is not limited to, buttons, menus, application output controls (such as a "ticker window"), animations, and user input controls (such as edit boxes", column 6, line 26-30).

As per claim 10, Nason demonstrated all the elements as disclosed in claim 9, and further discloses wherein said interface utilizes the movable pointer that functions within the normal desktop display area for the purpose of user input causing interaction and command response from the PP program ("GDI's "cliprect" is modified to encompass the bar's display area. That keeps the operating system from clipping the cursor as it moves into the overscan area", column 19, line 32-35).

As per claim 11, Nason demonstrated all the elements as disclosed in claim 1, and further discloses wherein the dimension of said desktop display area in which the number of pixels is reduced are both vertical and horizontal resulting in a blanked area at the bottom of the original desktop display area (Figure 3, item 30); and

in which the number of pixels is reduced is horizontal resulting in a blanked area on the right outermost side of the original desktop display area (Figure 3, item 36).

As per claim 12, Nason demonstrated all the elements as disclosed in claim 11, and further discloses wherein the resulting blanked area is occupied by the graphical Persistent Portal Interface with all related proprietary controls, functions, and features visible and operational ("The complementary interface may include, and is not limited to, buttons, menus, application output controls (such as a "ticker window"), animations, and user input controls (such as edit boxes", column 6, line 26-30).

As per claim 13, Nason demonstrated all the elements as disclosed in claim 12, and further discloses wherein said interface utilizes the movable pointer that functions within the normal desktop display area for the purpose of user input causing interaction and command response from the PP program ("GDI's "cliprect" is modified to encompass the bar's display area. That keeps the operating system from clipping the cursor as it moves into the overscan area", column 19, line 32-35).

As per claim 14, Nason demonstrated all the elements as disclosed in claim 1, and further discloses wherein the dimension of said desktop display area in which the number of pixels is reduced are both vertical and horizontal resulting in a blanked area at the top and bottom of the original desktop display area (Figure 3, items 38 and 30); and

in which the number of pixels is reduced is horizontal resulting in a blanked area on the left outermost and right outermost sides of the original desktop display area, a configuration of the preferred embodiment (Figure 3, items 34 and 36).

As per claim 15, Nason demonstrated all the elements as disclosed in claim 14, and further discloses wherein the resulting blanked area is occupied by the graphical Persistent Portal Interface with all related proprietary controls, functions, and features visible and operational ("The complementary interface may include, and is not limited to, buttons, menus, application output controls (such as a "ticker window"), animations, and user input controls (such as edit boxes", column 6, line 26-30).

As per claim 16, Nason demonstrated all the elements as disclosed in claim 15, and further discloses wherein said interface utilizes the movable pointer that functions

within the normal desktop display area for the purpose of user input causing interaction and command response from the PP program ("GDI's "cliprect" is modified to encompass the bar's display area. That keeps the operating system from clipping the cursor as it moves into the overscan area", column 19, line 32-35).

As per claim 17, Nason discloses a device for proportionally reducing the size and area of the operating system's active "desktop" display with all functions operational, while maintaining a complete view of the desktop (display in tact) including the functional controls that provide access to resident applications and documents, then deploying a secondary graphical user interface (GUI) known as a "Persistent Portal" (PP) having two dimensions, each dimension having a number of pixels, into the resulting blanked area, comprising:

- a. a means for adjusting parameters for the desktop display area residing inside of, but not including the overscan border, by a number of pixels that equals the required area to be occupied by the PP interface when deployed ("In Fig. 3, the display is modified to include a graphical use interface in four bars each 25-pixels high/wide outside each of the four display edges", column 6, line 23-24); and

- b. a means, within said computer system, for addressing the settings of the video mode or monitor resolution for said required pixels ("the primary display area desktop is usually assigned by the operating system to be one of a set of pre-determined video "modes" such as those laid out in Tables 1 and 2 below", column 7, line 18-22); and

- c. a means for writing the image of said PP interface to video display memory ("to address and modify the video display memory contents for the visible portion of the

overscan area", column 5, line 64-65, which indicates a video display memory to store overscan image which is considered PP interface and Figure 4, item 67 provides the means); and

d. a means for displaying said image from said video display memory onto said "blanked" area resulting from said desktop display area reduction process ("address and modify the visible resolution of the video display system such that portions of the overscan area are visible as shown in FIG. 6", column 5, line 61-63 and Figure 4, item 68 provides the means).

Claims 18-32 claim a device with limitations similar to claims 2-16, respectively, are similarly rejected as claims 2-16 respectively.

As per claim 33, Nason discloses a user interface program for a computer, the user interface being renderable on a display for a computer so that the active content area of the display is substantially proportionally reduced (see Figure 3, where area 31 is substantially proportionally reduced), the user interface having one or more zones, each zone having one or more modules of features or functions (Figure 17, item 14c and 13 are secondary GUI's).

As per claim 34, Nason demonstrated all the elements as disclosed in claim 33, and further discloses wherein the user interface is disposed along at least two adjoining sides of the active content area (Figure 3, items 34 and 38).

As per claim 35, Nason demonstrated all the elements as disclosed in claim 34, and further discloses wherein the user interface is disposed along at least three adjoining sides of the active content area (Figure 3, items 34, 38 and 36).

As per claim 36, Nason demonstrated all the elements as disclosed in claim 33, and further discloses wherein the user interface is disposed along four adjoining sides of the active content area (Figure 3, items 30, 34, 38 and 36).

As per claim 37, Nason demonstrated all the elements as disclosed in claim 34, and further discloses wherein the user interface includes at least two zones (Figure 17, items 14c and 13).

As per claim 40, Nason discloses a computer system comprising a first computer having a program for generating a user interface on a display for a computer so that the active content area of the display is substantially proportionally reduced, the user interface having one or more zones, each zone having one or more modules of features and/or functions ((Figure 17, item 14c and 13 are secondary GUI's).

As per claim 41, Nason discloses a computer system comprising:

a first computer with means for publishing content to a plurality of other computers hosting a user interface having one or more zones with one or modules for receiving or interacting with content, the first computer communicating with the plurality of other computers over a data network (Figure 1 shows a computer system connected to a network and Figure 17 shows a user interface having one or more zones with one or more modules); and

the user interface being renderable on displays for the plurality of computer so that the active content area of the display is substantially proportionally reduced (Figure 3 and "The alternate display content controller may also include content and

operating software such as JAVA delivered over the internet I, or over any other network", column 5, line 61-63).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nason et al. (6,892,359).

As per claim 38, Nason demonstrated all the elements as disclosed in claim 33.

As for the user interface has at least two of the following modules:

Alert Module(s), Content Access Modules, Multi-function Ticker Module, User Managed Drag and Drop Module, Search Engine Module, Sub-Channel Modules, Sponsor or 3rd Party Icon/Access Modules, Custom Application Modules (Client Customization), User Preferences Module, Network Preferences and Updates Module, Publisher Preferences Module, Ad Banner and/or Message Display Module, Personal Tools Applications Module(s), Application Service Provider (ASP) Products Download Module, Universal or Proprietary Chat Module, Entertainment Module (games, music, video and pay-per view events). Since at least two of the modules are notoriously well known in the art (Official Notice), it would have been obvious to one of ordinary skill in the art to consider using at least two of them for the purpose controlling a computer.

As per claim 39, same rationale for rejecting claim 38 applies to current claim.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ryan R Yang whose telephone number is (571) 272-7666. The examiner can normally be reached on M-F 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi can be reached on (571) 272-7664. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ryan R Yang/
Primary Examiner, Art Unit 2628
September 26, 2008